

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

V.

DANIEL JOSEPH KUBISTY

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CASE NO. 6:12CR33(2)

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-styled matter was referred to the Honorable Judith K. Guthrie, United States Magistrate Judge, for administration of a guilty plea under Rule 11 of the Federal Rules of Criminal Procedure. Judge Guthrie conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued her Report and Recommendation (document #93) on January 9, 2013. Judge Guthrie recommended that the Court accept Defendant's guilty plea and conditionally approve the plea agreement. She further recommended that the Court finally adjudge Defendant as guilty of Count 1 of the Superseding Indictment filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the Report and Recommendation should be accepted. It is accordingly **ORDERED** that the Report and Recommendation of the United States Magistrate Judge (document #93) is **ADOPTED**. It is further

ORDERED that the Defendant's guilty plea is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally

ORDERED that, pursuant to the Defendant's plea agreement, the Court finds the Defendant **GUILTY** of Count 1 of the **Superseding Indictment** in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to Count 1 of the **Superseding Indictment**.

So ORDERED and SIGNED this 30th day of January, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE